

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Prior to this amendment, Claims 1-4, 6, 7, 10-12, 15-20 and 23-38 were pending in the application, with Claims 1, 12, 17, 24-26, 35 and 37 being the independent claims.

The Examiner rejected Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36 under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 00/05912 to *Johnson et al.* (hereinafter, *Johnson*) in view of U.S. Publication No. 2003/0026215 to *Schafer*, U.S. Publication No. 2001/0055288 to *Uebayashi et al.* (hereinafter, *Uebayashi*) and U.S. Publication No. 2002/0024937 to *Barnard et al.* (hereinafter, *Barnard*). The Examiner rejected Claims 12, 15, 16, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer*, *Uebayashi*, *Barnard* and U.S. Publication No. 2004/0157561 to *Akerberg*. The Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer*, *Uebayashi*, *Barnard* and U.S. Publication No. 2003/0003882 to *Samuels*.

Regarding the §103(a) rejection of Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *Johnson*, *Schafer*, *Uebayashi* and *Barnard*.

Johnson discloses a method for allocating resources to a terminal in a communications system. *Schafer* discloses a method for optimizing capacity in multi-user time division duplex communication systems through minimizing guard times utilized in the duplexed signals. *Uebayashi* discloses a channel assigning method for executing appropriate channel assignment in a mobile communication system when both a channel for a service area based on an FDD method and a TDD method may be assigned. *Barnard* discloses primary and secondary stations for use in a radio communication system operating according to at least two modes.

Claim 1 recites, in part, that the base station sets up a guard time of a predetermined time between switching times of a forward link and a reverse link in the TDD mode, and assigns time slots beginning at a time slot in an area close to the guard time in order of each mobile station nearest to the base station.

Schafer describes that the order of subscriber systems on the reverse and/or forward links may be arranged to correspond to their distance from the hub in order to allow guard times to be reduced to a minimum. (paragraph 21). Further, *Schafer* describes that TDMA bursts are shown with respect to the transmit frame and receive frame as specified time slots (paragraph 43).

Thus, while *Schafer* describes an order of subscriber systems on a reverse/forward link corresponding to distance from a hub as well as a frame having time slots, *Schafer fails to provide any relation between the assignment of time slots and subscriber system distance from the hub.*

Schafer fails to disclose the assigning of time slots in order of each mobile station nearest to the base station, as recited in Claim 1. *Schafer* also fails to disclose the assignment of time slots beginning at a time slot in an area close to the guard time in order of each mobile station nearest to the base station, as recited in Claim 1. *Barnard, Johnson* and *Uebayashi* fail to remedy these deficiencies of *Schafer*, and amended Claim 1 is patentable over the combination of *Johnson, Schafer, Uebayashi* and *Barnard*.

The Examiner also rejected independent Claims 17, 24-26 and 35 under 35 U.S.C. §103(a). Claims 17, 24-26 and 35 recite subject matter similar to that of Claim 1. In view of the above, Claims 17, 24-26 and 35 are also patentable over the combination of *Johnson, Schafer, Uebayashi* and *Barnard*.

Regarding Claims 2-4, 6, 7, 10, 11, 18-20, 23, 28-34 and 36, while not conceding the patentability of the dependent claims, *per se*, Claims 2-4, 6, 7, 10, 11, 18-20, 23, 28-34 and 36 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36 are allowable over *Johnson, Schafer, Uebayashi, Barnard*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claims 12, 15, 16, 37 and 38, independent Claim 37 has been amended to incorporate the subject matter of Claim 38. Claim 38 has been cancelled without prejudice. Claims 12 and 37 also recite subject matter containing the deficiencies of the combination of *Johnson, Schafer, Uebayashi* and *Barnard* described above. *Akerberg* also fails to remedy these deficiencies. Therefore, Claims 12 and 37 are patentable over the combination of *Johnson, Schafer, Uebayashi, Barnard* and *Akerberg*.

Regarding Claims 15 and 16, while not conceding the patentability of the dependent claims, *per se*, Claims 15 and 16 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 12, 15, 16 and 37 are allowable over *Johnson, Schafer, Uebayashi, Barnard, Akerberg*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claim 27, *Samuels* also fails to remedy the deficiencies of *Johnson, Schafer, Uebayashi* and *Barnard* described above. Therefore, while not conceding the patentability of the dependent claim, *per se*, Claim 27 is also patentable for at least the above reasons. Accordingly, Applicants assert that Claim 27 is allowable over *Johnson, Schafer, Uebayashi, Barnard, Samuels*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

PATENT APPLICATION
Attorney Docket No.: 678-1283 (P10805)

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 6, 7, 10-12, 15-20 and 23-37, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Registration No. 33,494
Attorney for Applicant(s)

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road, Suite 210 E
Melville, New York 11747
(516) 228-3565